

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

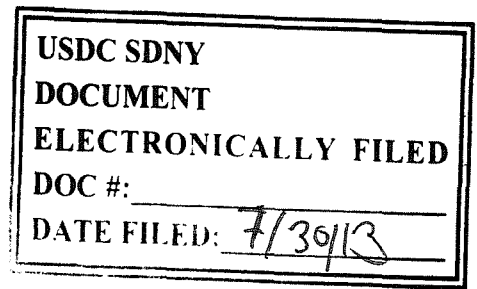
VICTOR M. LOPEZ, LUIS N. ABREU FANA, JOAN E.
BIDO VALDEZ, ALEX R. DURAN, JUAN PABLO
GOMEZ REYES, EDUARDO OLAVERRIA, JUAN P.
HOLGUIN, EDWIN PEREZ, and DEIVY RAFAEL
PIMENTEL NUNEZ,

Plaintiffs,

-v-

ACME AMERICAN ENVIRONMENTAL CO. INC.,
ACME AMERICAN REPAIR, INC., ACME
AMERICAN REFRIGERATION, INC., FACTORY
PARTS & SERVICE CO., INC., JEFFREY
SCHWARTZ, KENNETH STAHN, DAVID ESTES,
BIRINDER MADAN, EDWARD J. LEE, Derval
LAZZARI, and JOHN AND DOES 1 through 10,

Defendants.



12 Civ. 511 (AT)

ORDER

ANALISA TORRES, United States District Judge:

By letter dated June 19, 2013, the parties informed the court that they had reached a settlement in principle and expected to file stipulation of dismissal without prejudice under Rule 41(1)(A)(ii). In response to the Court's July 18 order, the parties wrote in a letter dated July 26, 2013, that the parties plan to provide a settlement agreement shortly and a fairness hearing is not necessary.

Although *Picerni v. Bilingual Seit & Preschool Inc.*, No. 12 Civ. 4938, 2013 WL 646649 (E.D.N.Y. Feb. 22, 2013), has raised doubts about the need of fairness hearings in settlements under the Fair Labor Standards Act, the weight of authority in this Circuit holds otherwise. *See, e.g., Wolinsky v. Scholastic, Inc.*, 900 F. Supp. 2d 332, 335 (S.D.N.Y. 2012) (holding that when "an employee . . . settle[s] an FLSA claim for unpaid wages for less than the full statutory damages" without supervision by the Secretary of Labor, a district court "must scrutinize the settlement agreement to determine that the settlement is fair and reasonable").

By August 9, 2013, the parties shall e-mail a letter updating the Court as to the status of settlement. In addition, the parties' obligation to send a joint pretrial order and related filings pursuant this Court's Individual Practices by August 26, 2013, remains in effect.

Finally, the parties are reminded to send letters as PDF e-mail attachments in accordance with the Court's Individual Practices.

SO ORDERED.

Dated: July 30, 2013
New York, New York



ANALISA TORRES
United States District Judge